Filed 8/2/19 In re A.P. CA2/2

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re A.P., a Person Coming Under the Juvenile Court Law.	B293836 (Los Angeles County Super. Ct. No. 18CCJP06164A)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. R.P., Defendant and Appellant.	

APPEAL from orders of the Superior Court of Los Angeles County. Martha Matthews, Judge. Affirmed.

Elizabeth C. Alexander, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Kimberly Roura, Deputy County Counsel, for Plaintiff and Respondent.

In this juvenile dependency appeal, the juvenile court declared then-nine-year-old A.P. a dependent of the court based on both her mother's and her father's alleged conduct. Appellant R.P. (father) challenges both the juvenile court's order declaring A.P. a dependent of the court and the court's order removing A.P. from his custody and care. A.P.'s mother has not appealed.

As discussed below, we conclude substantial evidence supports both the juvenile court's exercise of jurisdiction based on father's failure to provide medical treatment for A.P. and the court's order removing A.P. from father's custody and care. Accordingly, we affirm.

BACKGROUND

1. Previous Dependency Proceedings

In 2012, a dependency case was opened involving mother, father, A.P., and A.P.'s now-adult half sister. In that case, the juvenile court exercised its jurisdiction over A.P. and her half sister based on mother's emotional problems and excessive physical discipline of A.P.'s half sister, as well as on the parents' verbal and at times physical altercations. During that case, A.P. and her half sister were removed from mother's custody and placed with father. Mother participated in counseling. By early 2014, the case was closed and both children were returned home.

2. Current Dependency Proceedings

In September 2018, A.P. expressed suicidal ideations. She said she wanted to die, wrote a note asking, "would you be happy if I died," and said she wanted to jump in front of a car. A.P. also stated father never said he loved her, and she was "miserable" at home. A.P. also stated she was abused at home.

Despite being told of A.P.'s statements, mother and father did not appear to take any action. Although mother agreed the family should participate in counseling, father refused. Mother stated father was controlling, had anger issues, and yelled at A.P.

Soon after learning A.P. was having suicidal thoughts, father spoke with A.P. at home for three hours about suicide. During their talk, father told A.P. he had tried to commit suicide 25 years earlier after learning his then-fiancée had cheated on him. In an attempt to help A.P., father used a "scare tactic." He "got his shotgun and demonstrated to the child how he once had a shotgun in his mouth." Although father said the gun was not loaded, A.P. believed it was and she said what father did with the gun scared her and made her cry. During their talk, father also explained why he did not tell A.P. he loved her. He told her it was because his fiancée from 25 years ago told him to stop telling her he loved her because she said it sounded fake. A.P.'s half sister was present during father's suicide talk and demonstration, but mother was not. When told of the incident, mother expressed her surprise and disagreement with father's tactics.

On a school day in mid-September 2018, less than one week after father's suicide talk and demonstration with A.P., A.P. was involuntarily hospitalized on a 72-hour hold. Prior to her hospitalization, a social worker and nurse with the Department

of Mental Health spoke with A.P. and father at A.P.'s school. Father described how he had discussed suicide with A.P. extensively a few days before, including how he had used his gun during their discussion. According to the social worker, father believed he handled the situation with A.P. appropriately and correctly sought to "scare her straight." The social worker also reported father had expressed his disdain for both the Department of Mental Health and the Los Angeles County Department of Children and Family Services (Department).

That same day, the Department received a referral related to A.P. and the events leading to her hospitalization. In investigating the referral, a Department social worker spoke with the principal at A.P.'s school. The principal told the social worker A.P. was "very sweet" and did well academically. According to the principal, A.P. had "always had some self-esteem issues" and was "very attention seeking," but her suicidal ideation was new. The assistant principal similarly stated A.P. was "very attention seeking." The principal told the social worker that the previous year, the school had recommended counseling and group therapy for A.P., but father refused. The principal stated "father is against counseling and does not believe in it" and "has called her yelling and screaming about the recommendation and that his child does not need counseling."

The Department social worker also spoke with A.P. that day. A.P. told the social worker that although she thinks about dying and self-harm every day, she regretted saying she wanted to die, saying she wanted to jump in front of a car, and writing the note about dying. A.P. said she did those things because she was bullied at school. A.P. also explained her plan to kill herself. With a smile on her face, A.P. stated she "think[s] about ropes

and chairs" and "getting a rope around my neck and falling off the chair." Still smiling, A.P. demonstrated with her hands how her plan would work. She said she tried her plan in 2016, but it did not work, and no one knew she had tried it. The social worker reported A.P. showed no emotion and was not scared when describing her suicidal thoughts. A.P. also told the social worker father did not tell her he loved her, but A.P. knew he did. A.P. also said mother sometimes pulled her hair and hit her, but it was unclear how often that happened.

The Department social worker met with father as well. Father explained he "despises" the Department because the Department "ruined the lives of his family six years ago" and does not know what it is doing. Father did not believe A.P. had a plan to kill herself and said "she is fine" and "she is very happy." Father told the social worker about the three-hour talk he had with A.P. the week before. Father believed his scare tactic with the gun had worked and A.P. was fine after their talk. The social worker reported father appeared very emotional and agitated when discussing his fiancée from 25 years ago. Father told the social worker he had no respect for social workers, and he did not want A.P.'s school forcing A.P. into therapy.

The social worker also spoke with mother. Like father, mother expressed disdain for the Department and how it had handled the earlier dependency case. Nonetheless, mother spoke with the social worker and indicated father was not kind to A.P., yelled at her, and told her to shut up. Mother painted father as controlling and said he was verbally abusive toward both her and A.P. Mother told the social worker father "needs to do therapy." She explained that while she had to complete many classes in connection with the earlier dependency case, father was not

required to participate in any services other than marriage counseling. Mother believed that "empowered him even more." Mother stated father resisted therapy because he believed it showed weakness.

A social worker at the hospital where A.P. was treated reported A.P.'s doctors had prescribed Prozac for A.P. to treat depression. According to mother's counsel, mother gave permission for A.P. to take the prescribed medication, but father refused. Hospital records indicate A.P. had a plan to hang herself, felt unloved at home, and had very low self-esteem, stating, " 'I don't like the way I look. I don't like my hair.' " The records stated A.P. was "profoundly depressed, anxious, feeling helpless, hopeless, unable to contract for safety." The hospital social worker stated father admitted he still has depression but is not receiving mental health services. The social worker expressed a "concern that father is not educating the child appropriately regarding suicide."

While A.P. was hospitalized, father removed his gun from the family home and stored it in a locked safe in the garage at his parents' home. Father spoke with the Department social worker again and apologized for the way he had acted the day A.P. was hospitalized. He said he "regrets taking matters into his own hands" and "what he did was 'stupid' and wishes he would have gone about it the right way." He said he would cooperate with Department orders and was willing to participate in counseling.

a. *Removal and Petition*

On September 21, 2018, when A.P. was still hospitalized, the juvenile court issued a removal order for A.P. A few days later, on September 24, 2018, A.P. was released from the hospital and placed with her paternal grandparents.

The next day, the Department filed a petition under Welfare and Institutions Code section 300[1] on behalf of A.P. (petition). The petition alleged five counts. Counts a-1 and b-1 were identical and concerned mother's alleged physical abuse of A.P. and father's alleged failure to protect A.P. from mother's abuse. Count b-2 alleged mother had mental and emotional problems such that she was incapable of providing regular care for A.P. Similarly, count b-3 alleged father had mental and emotional problems rendering him incapable of providing regular care for A.P. Count b-3 also referred to father's suicide demonstration for A.P. Finally, count b-4 alleged A.P. had mental health issues requiring regular treatment, but mother and father were either incapable or unwilling to ensure she received the recommended treatment.

On September 26, 2018, one day after the petition was filed, the detention hearing was held. At the hearing, counsel for father argued A.P. should be released to him. Counsel explained father understood he made a mistake when he tried "to parent" A.P. by using an unloaded gun and he had "never tried to put his child's life in danger." Counsel also noted that the day before the hearing, father made a counseling appointment for A.P. and she would start counseling the first week of October (however, it later appeared A.P. did not begin counseling at that time).

The juvenile court denied father's request to have A.P. released to him. The court noted its concern with father's seeming lack of insight into, failure to take responsibility for, and until the day before not securing professional services to address A.P.'s distress. The court also recognized "some factual dispute

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[1] Undesignated statutory references are to the Welfare and Institutions Code.

about exactly how close the barrel of the shotgun was to the father" (father stated he did not put the gun in his mouth as A.P. had stated), yet the court explained that "any demonstration involving a shotgun is not going to be helpful to an emotionally distressed nine-year-old child." The court was "highly" concerned that father would "attempt to do something like this on his own in an effort I believe he characterized . . . as a 'scared straight conversation' with a child who's obviously in a fragile and emotional state."

The court ordered monitored visits for both parents.

b. *Adjudication*

The adjudication hearing was held three weeks later, on October 16, 2018. Prior to the hearing, the Department submitted its report for the court. A Department dependency investigator had spoken with A.P. about school and family life. A.P. told the investigator she was not abused at home or bullied at school and everyone liked her and treated her well. A.P. indicated she wanted to return home to her parents and that she no longer thought about dying. The investigator reported A.P. "is a very sweet little girl trying to act older than her age."

The investigator also spoke with mother at the family home. The investigator reported the home was "unkept and messy" and "had foul odors," and Mother "appeared to be in [a] somewhat depressive mo[od]." Mother denied abusing A.P. but admitted previously being diagnosed with depression and anxiety. She said she had depression issues and father had anger issues. Mother stated about six months earlier she and father began talking about divorce and verbally arguing at home in A.P.'s presence. Mother believed A.P. was affected emotionally

by these arguments. Mother told the investigator A.P. started having suicidal ideations when she turned nine years old.

Mother told the investigator she and father agreed to participate in therapy and marriage counseling. Mother also explained either she or father would move out of the home if necessary in order to have A.P. returned home. Mother stated father has not addressed "his mental and emotional issues including depression." She believed father should participate in therapy, "which should help the father and the family as a whole."

The Department investigator interviewed father at the family home as well. Father denied the allegations in the petition. He stated he and mother had already engaged in marriage counseling, individual counseling, and parenting in connection with the earlier dependency case. When their therapist told them they no longer needed therapy, they stopped. Father admitted he used his gun to teach A.P. a lesson about suicide, but he stated the gun was not loaded and he did not put it in his mouth. Father agreed he struggled with anger issues but denied having emotional or mental issues. He indicated he was willing to participate in therapy.

As to A.P.'s mental health, father told the investigator A.P. was "very self-conscious" about her appearance. He explained he refused therapy for A.P. in the past because "it was 'completely vague.' " He said he refused the prescribed Prozac because he did not want to "turn the little girl into a zombie. Prozac is evil." Father stated he would rather A.P. be prescribed cannabis-related medication. He believed A.P.'s suicide ideation came from watching animated YouTube videos and video games. According to father, A.P. did not understand the finality of suicide. Father

agreed he did not tell A.P. that he loved her enough. He agreed A.P. had emotional problems. Although mother and father reported they were searching for a mental health provider for A.P., father stated that "no one is willing to take the child, as child protective services is involved and they are not willing to write letters for the Court."

The investigator also spoke with A.P.'s half sister, who described the family as follows: mother was "very insecure, low self-esteem, very sensitive, very defensive, and sometimes delusional"; father appeared to have "a deep-rooted" anger issue and lacked parenting skills; and A.P. was "an attention seeker," got into trouble at school, did not get along with other children at school, and seemed "Off." The half sister denied any physical abuse in the home and noted father was "an old-fashioned person." Although she believed father went too far, A.P.'s half sister stated father had "good intentions" when he used a gun during his talk with A.P.

In the Department's assessment, A.P. was "suffering with mental health issues, but has been neglected by her parents by depriving the child of the treatment . . . . Mother does not have the capability to make decisions for the child over the father. Father is the only person who makes final decisions, but father did not have a positive perception of the counseling/therapy. Further, father is opposed to any type of psychotropic medications." The Department believed A.P. remained at "high risk" and recommended she continue to be detained with her paternal grandparents while her parents received family reunification services.

At the hearing, counsel for father argued the court should dismiss the petition in its entirety. Counsel claimed there was no

evidence father currently suffered from any mental or emotional problems. In addition, counsel insisted father never showed A.P. what suicide looks like. Rather, when father used a gun in front of A.P., the gun was unloaded and was used only in what father now recognizes was a misguided or ineffective attempt to deter A.P. from having suicidal thoughts. Counsel claimed the only reason the family was before the juvenile court was "father's choice to teach his daughter in something that he understands was not the best approach today."

Yet, as to the count related to A.P.'s mental health (count b-4), counsel for father stated father "would be okay with this court perhaps taking jurisdiction under an amended [count] b4 where it states that yes, [A.P.] was diagnosed [with mental health issues]; yes, there was an incident of a psych hold and perhaps the parents should have followed up, but they do now." Counsel continued, "[I]f the court's not inclined to strike [count] b4 and the petition in its entirety, I would ask for an amended [count] b4 stating something to the effect . . . [t]hat the parents did not seek out mental health treatment in time and the child has suffered due to suicidal ideations and was placed on an involuntary psychiatric hold."

At the Department's request, the juvenile court dismissed the two counts based on mother's alleged physical abuse of A.P. and father's alleged failure to protect A.P. from that abuse (counts a-1 and b-1). The court amended the remaining counts related to mother's and father's mental and emotional problems (counts b-2 and b-3), as well as mother and father's failure to address A.P.'s mental health needs (count b-4). The court sustained the petition as amended.

In reaching its decision, the juvenile court noted among other things that father displayed a propensity to react angrily at those expressing concern for A.P. as opposed to showing appropriate concern for his daughter's mental health, there was "an obviously unsafe situation" at home for A.P., this was the second time the Department was involved with this family, and both parents seemed to blame the Department for A.P.'s and their current challenges. The court also emphasized, "Anyone with any degree of commonsense would realize that a shotgun is not a visual aid in a teaching moment between a parent and a nine-year-old child. The visual impact of seeing a parent gesturing at themselves with a shotgun is in itself disturbing and traumatic. It's not appropriate." The court found A.P. was clearly suffering, yet her parents did not seem "to show a basic level of understanding and compassion of the child's suffering and don't seem to prioritize actually helping the child over blame and anger and self-justification."

c. *Disposition*

The juvenile court held the disposition hearing two weeks later on October 30, 2018. Prior to disposition, the Department filed a report with the court explaining a child and family team meeting had been held after the adjudication hearing, at which mother, father, A.P., and paternal grandfather were present (team meeting). At the team meeting, it was agreed father would move out of the family home when ordered by the court so that A.P. could return home. The Department also reported that at the time of the disposition hearing, A.P. had enrolled in family counseling, had attended two sessions, and planned to attend both family and individual therapy "until the requirement is fulfilled." It did not appear that A.P. had started individual

counseling. Mother and father were wait-listed for individual counseling.

At the hearing, the Department recommended and the court ordered A.P. removed from father and placed with mother under Department supervision. Counsel for father argued the evidence did not support removal of A.P. from father. Nonetheless, father was willing to move out of the family home so that A.P. could return home with mother. The court ordered monitored visitation for father outside the family home, as well as individual counseling and parenting classes.

Father appealed the juvenile court's October 16 and 30, 2018 orders.

DISCUSSION

Father challenges both the juvenile court's jurisdictional findings against him and the order removing A.P. from his custody and care. We address each issue in turn.

1. Jurisdiction

a. *Standard of Review*

We review the juvenile court's jurisdictional findings for substantial evidence. (*In re Jonathan B.* (2015) 235 Cal.App.4th 115, 119.) We will affirm if there is reasonable, credible evidence of solid value to support the court's findings. (*Ibid.*)

" ' "In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court's determinations; and we note that issues of fact and credibility are the province of the trial court." ' " (*In re I.J.* (2013) 56 Cal.4th 766, 773.) Under this standard, our review " 'begins and ends with a determination as to whether or not there is any substantial evidence, whether or not contradicted,

which will support the conclusion of the trier of fact. All conflicts must be resolved in favor of the respondent and all legitimate inferences indulged in to uphold the verdict, if possible. Where there is more than one inference which can reasonably be deduced from the facts, the appellate court is without power to substitute its deductions for those of the trier of fact.' " (*In re David H.* (2008) 165 Cal.App.4th 1626, 1633.) "We do not reweigh the evidence, evaluate the credibility of witnesses, or resolve evidentiary conflicts. [Citation.] The judgment will be upheld if it is supported by substantial evidence, even though substantial evidence to the contrary also exists and the trial court might have reached a different result had it believed other evidence." (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 228.)

However, " 'substantial evidence is not synonymous with *any* evidence. [Citations.] A decision supported by a mere scintilla of evidence need not be affirmed on appeal. [Citation.] Furthermore, "[w]hile substantial evidence may consist of inferences, such inferences must be 'a product of logic and reason' and 'must rest on the evidence' [citation]; *inferences that are the result of mere speculation or conjecture cannot support a finding* [citations]." [Citation.] "The ultimate test is whether it is reasonable for a trier of fact to make the ruling in question in light of the whole record." ' " (*In re David M.* (2005) 134 Cal.App.4th 822, 828.) " '[I]f the word "substantial" [is to mean] anything at all, it clearly implies that such evidence must be of ponderable legal significance. Obviously the word cannot be deemed synonymous with "any" evidence. It must be reasonable . . . , credible, and of solid value.' " (*Kuhn v. Department of General Services* (1994) 22 Cal.App.4th 1627, 1633; *In re I.C.* (2018) 4 Cal.5th 869, 892.)

b. *Applicable Law*

The juvenile court exercised its jurisdiction based on subdivision (b)(1) of section 300. Under that subdivision, a juvenile court may assert dependency jurisdiction and declare a child a dependent of the court when "[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, . . . or by the willful or negligent failure of the parent . . . to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent . . . to provide regular care for the child due to the parent's . . . mental illness." (§ 300, subd. (b)(1).)

" 'The court need not wait until a child is seriously abused or injured to assume jurisdiction and take the steps necessary to protect the child.' " (*In re I.J.*, *supra*, 56 Cal.4th at p. 773.) " 'The purpose of dependency proceedings is to prevent risk, not ignore it.' " (*Jonathan L. v. Superior Court* (2008) 165 Cal.App.4th 1074, 1104.) Nonetheless, "[a]lthough evidence of past conduct may be probative of current conditions, the court must determine 'whether circumstances *at the time of the hearing* subject the minor to the defined risk of harm.' [Citations.] Evidence of past conduct, without more, is insufficient to support a jurisdictional finding under section 300. There must be some reason beyond mere speculation to believe the alleged conduct will recur." (*In re James R.* (2009) 176 Cal.App.4th 129, 135–136.)

c. *Substantial evidence supports dependency jurisdiction under count b-4 (failure to provide adequate medical treatment).*

With respect to count b-4 (related to both parents' failure to provide adequate medical treatment for A.P.'s mental health issues), father does not argue that count was unsupported by substantial evidence. Rather, as to count b-4, father claims only that at the time of adjudication, there was no current or continuing risk of harm to A.P. based on father's past failure to ensure A.P. received medical treatment. Father asserts he had agreed to counseling for A.P. and had in fact signed her up for counseling sessions. Thus, father argues even if count b-4 were supported by substantial evidence, the juvenile court improperly exercised its jurisdiction based on that count because there was no current risk to A.P. at the time of adjudication. We disagree.

As an initial matter, we conclude substantial evidence supports count b-4 based on father's failure to ensure A.P. received recommended medical treatment for her mental health issues. The record reveals father had been advised a number of times over the course of approximately one year (by A.P.'s school as well as by her doctors) that A.P. should participate in counseling. But father did not believe in counseling and refused to enroll A.P. in any sessions. As A.P.'s mental health deteriorated, father still refused to ensure she received the recommended and professional treatment. Instead, father took it upon himself to address A.P.'s distress. Father's plan was admittedly a bad one and included gesturing his shotgun at his face in A.P.'s presence. Within days of father's misguided parenting talk and demonstration, A.P. was involuntarily hospitalized for close to a week. While at the hospital, A.P. was

diagnosed with depression and her doctors prescribed medication. However, father refused to allow A.P. to take the recommended medication, calling it "evil." In light of this record, we conclude substantial evidence supports a true finding as to father's conduct as alleged in count b-4.

We turn to father's contention that count b-4 could not support dependency jurisdiction because, by the time the jurisdiction hearing took place on October 16, 2018, A.P. no longer was at risk. We disagree. At the adjudication hearing, it was undisputed A.P. was in need of mental health treatment. Yet the evidence before the juvenile court included both father's repeated past refusals to provide recommended mental health treatments for A.P. and his initial denial A.P. had mental health issues at all. In addition, others reported father did not believe in counseling, and father said Prozac was "evil." Although by the time of the adjudication hearing father appeared to have had a change of heart, saying he was receptive to counseling for A.P. and indicating he and mother were searching for a therapist for A.P., their efforts at that point had been unsuccessful and A.P. was not then engaged in therapy or counseling. Moreover, less than one month had passed between, on the one hand, A.P.'s detention and the filing of the petition and, on the other hand, the adjudication hearing and father's seeming change of heart. It was only on the day the petition was filed that father began his attempt to secure counseling for A.P. On this record it is reasonable to infer the juvenile court's involvement prompted father finally to take his daughter's mental health concerns seriously.

Thus, given the fact A.P. had not been enrolled in counseling or therapy, and in light of father's past conduct as well

as the newness of his change of heart, we conclude substantial evidence supports the juvenile court's finding of risk at the time of the adjudication hearing.

Although on appeal father points to his willingness at the October 26 team meeting to move out of the family home, his agreement to counseling for A.P., and A.P.'s enrollment in two family counseling sessions, those events happened after adjudication and, therefore, are not relevant to our review of the court's October 16, 2018 adjudication order.

d. *Remaining Count Involving Father*

Because we conclude dependency jurisdiction was proper under count b-4, we need not and do not address the remaining count involving father (count b-3). A single basis for asserting dependency jurisdiction over the child is sufficient to sustain the juvenile court's exercise of that jurisdiction. (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451; *In re Ashley B.* (2011) 202 Cal.App.4th 968, 979 ["As long as there is one unassailable jurisdictional finding, it is immaterial that another might be inappropriate"].) We decline to exercise our discretion to address count b-3.

2. Removal

a. *Applicable Law and Standard of Review*

Section 361, subdivision (c)(1) permits the juvenile court to order a minor removed from his or her parent if the court finds by clear and convincing evidence that the minor is, or would be, at substantial risk of harm if returned home and there are no reasonable means by which the minor can be protected without removal. The court's " ' "jurisdictional findings are prima facie evidence that the child cannot safely remain in the home. [Citation.]" [Citation.] " 'The parent need not be dangerous and

the minor need not have been actually harmed before removal is appropriate. The focus of the statute is on averting harm to the child.' [Citation.] The court may consider a parent's past conduct as well as present circumstances." ' " (*In re A.F.* (2016) 3 Cal.App.5th 283, 292; *In re A.S.* (2011) 202 Cal.App.4th 237, 247.)

As with the juvenile court's jurisdictional findings, we review the juvenile court's dispositional removal order under the substantial evidence standard of review. (*In re A.F.*, *supra*, 3 Cal.App.5th at p. 292.)

b. *Substantial evidence supports the juvenile court's removal order.*

Father claims by the time of the disposition hearing he had moved out of the family home, was engaged in therapeutic services, and had dismantled and removed his gun from the home. Although the record reveals father had removed his gun from the family home, the record does not support his other claims. At the time of the disposition hearing, father had agreed to move out of the family home if ordered by the court, was on a waiting list for individual counseling, and had agreed to counseling for A.P.

While unquestionably steps in the right direction, as mentioned above father had not agreed to take any of those steps until very recently and only once the juvenile court became involved. We applaud father's efforts and commend the family for the progress made during the few weeks these proceedings had been pending. At the same time, however, we must recognize the record also reveals father's repeated and recent refusals to provide or authorize recommended mental health treatment for his daughter, his disastrous attempt to address her

mental health on his own, and his admitted dislike and distrust of the Department and social workers. Although at disposition father had expressed his willingness to participate in counseling to address case issues, his counseling had not yet begun. We conclude the record supports a finding father might revert to the same conduct if the juvenile court returned A.P. to his care too quickly. (See *In re T.V.* (2013) 217 Cal.App.4th 126, 133 ["A parent's past conduct is a good predictor of future behavior"].) Thus, given insufficient time had passed for the juvenile court to assess either the stability of the family situation or the genuineness of father's recent change of heart, we conclude substantial evidence supports the juvenile court's decision to remove A.P. from father's care.

DISPOSITION

The October 16 and 30, 2018 orders are affirmed.

NOT TO BE PUBLISHED.

LUI, P. J.

We concur:

ASHMANN-GERST, J.

HOFFSTADT, J.